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December 9, 2020

The Honorable Sam Lindsay
1100 Commerce Street, Room 1544
Dallas, Texas 75242-1003

Re: Submission of Transcript Excerpts as Exhibit 4A to Receiver's Show Cause Motion to Hold Defendant Asher in Civil Contempt in Case No. 3:20-cv-02910-L, *CFTC, et al., v. TMTE, Inc., a/k/a Metals.com et al.*,

Dear Judge Lindsay:

At the Hearing on December 4, 2020 on Receiver's Show Cause Motion to Hold Defendant Asher in Civil Contempt, the Receiver played two excerpts from a call between Athena Hunter and an investor. The Court requested a transcript of these exchanges and directed the Receiver to file the same as Exhibit 4A. These excerpts are attached herein. For the Court's reference, the redacted portions reflect portions of the audio clip that were not played at the hearing.

Should the Court desire any further materials, please do not hesitate to let me know. Thank you.

Respectfully Submitted,

Peter C. Lewis

Partner

CC: All Parties (via ECF)

Transcription of Audio Recording

The Texas State Securities Board

November 16, 2018

Transcribed by: Janis Simon, CSR

iDepos Prepared for kminer@ssb.texas.gov

1 (Beginning of audio recording for Septer
2 11-16-18A)

3 THE AGENT: Thank you for calling Schwab
4 Alliance. This is John. How can I help you?

5 MS. HUNTER: Hi, John. My name is Athena
6 Hunter, and I have a mutual client on the line. Her
7 name is Linda Kelley. She has three accounts with you
8 guys, and we're actually only looking to liquidate two
9 of them. And also, we're looking to help her kind of
10 get her broker off of the account for the third one and
11 have it just solely with you guys.

12 We're -- the two accounts that we are
13 looking to liquidate are 4989-5014 and 4989-4728. I do
14 have Linda on the line as well, if you would like to ask
15 her some security questions, that would be awesome.

16 THE AGENT: Yes, please.

17 So, hello, Ms. Kelley.

18 MS. KELLEY: Hi, John. Yes?

19 THE AGENT: Hi. I wanted to go ahead and
20 just verify a little bit of information with you.

21 MS. KELLEY: Sure. Absolutely.

22 THE AGENT: If you could verify for me a
23 phone number that we have on file for you.

24 MS. KELLEY: Yes, it's [REDACTED] [REDACTED]
[REDACTED]

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[REDACTED]

7 THE AGENT: And for all of these
8 positions, do we want to sell at them at the market?
9 What that means is the very next available price.

10 MS. HUNTER: That's up to Linda. Do you
11 want them to sell it at closing market value, and or do
12 you want them to sell at next market?

13 MS. KELLEY: What do you think? I don't
14 know.

15 MS. HUNTER: You know what, let me ask
16 Michael really, really quick. Hold on one second.

17 MS. KELLEY: Yeah because I don't know.
18 All I know is my husband and my mother have died, and
19 I'm going, what am I doing? So, thank you, John. I
20 don't know what I'm doing, but I'm trying.

21 THE AGENT: Oh, no worries. We can --

22 MS. HUNTER: Okay. He says -- oh, sorry.
23 Linda, he says you should do it at the next market price
24 possible.

25 MS. KELLEY: The next market price? Okay.

<https://www.my.pdf-it.com/idepos/>

Exhibit 4A

iDepos Prepared for kminer@ssb.texas.gov

1 MS. HUNTER: Well, yeah. He's right. The
2 market closes in 20 minutes anyway.

3 MS. KELLEY: Oh, okay. So --

4 MS. HUNTER: He makes a valid point.

5 (Laughter)

6 MS. KELLEY: Okay.

7 THE AGENT: All right. So, we're going to
8 sell these at the market. So, let's go ahead and start
9 this process here.

10 So, the first one we've got is 40 shares
11 of Apple. So, this will be for the individual account
12 4989-5014. We're placing an order to sell 40 shares of
13 Apple, symbol AAPL, at the market. The current bid is
14 \$193.53. This is a day order and good for today only.
15 The estimated total proceeds of this trade are
16 \$7,732.15, including a commission of \$4.95. Is this
17 trade correct?

18 MS. KELLEY: Athena, yes?

19 MS. HUNTER: Yes, except for -- I'm so
20 sorry to do this to you. How many shares of Apple does
21 she have?

22 MS. KELLEY: It says, 40. He said, 40.

23 THE AGENT: 40.

24 MS. KELLEY: I wrote it down.

25 MS. HUNTER: Okay. Just -- just out of

<https://www.my.pdf-it.com/idepos/>

Exhibit 4A